

REMARKS:

Claims 35, 37, 38, 40-45, 47, 51 and 113-115 are pending in which claims 35 and 113 are independent claims. Claims 114 and 115 are newly added, which correspond to claims 48 and 49 previously cancelled.

Claims Rejections under 35 USC 103

Claims 35, 37, 38, 40-45, 47, 51 and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rueda (6,157,727) in view of Takebayashi et al. (5,577,165). Applicant respectfully submits that the claims are patentable over the cited references.

The independent claims recite the limitation that the speech recognition processor performs speech recognition in view of at least one of a physical state of the user and an operating condition of the prosthetic hearing device. The Examiner indicates in the Office Action that Rueda discloses the limitation, citing the disclosure of Rueda in col. 1, lines 53-56.

The cited disclosure of Rueda reads "the speech signals are translated into a language selected by the hearing aid user and the signals emitted by the earphone of the hearing aid are not only in a translated language, but also are corrected dependent on the hearing impairment of the hearing aid user so as to be understandable by the hearing aid user." Please note, however, that the correction operation performed in Rueda has nothing to do with speech recognition.

The cited disclosure consists of two statements. The first statement indicates in relevant part that the signals ... are ... corrected. Therefore, the correction is performed on signals, not on a speech itself. The second statement indicates that the signals are in a translated language. Thus, these two statements, combined, should be interpreted mean that the correction is performed on the signals already translated in another language. Thus, it is believed that the correction performed in Rueda involves hardware signal processing and does not involve software processing, such as speech recognition.

Applicant reviewed the embodiment section of Rueda to try to determine the details of the correction operation to no avail. The embodiment section of Rueda is

silent about the correction operation. Applicant then went back to the prior art section of Rueda and found the disclosure of prior art which indicates that digital acoustic processing is performed to adjust signals to optimize the speech intelligibility for an individual patient. (col. 1, lines 14-23).


Applicant also found the language in the SUMMARY OF THE INVENTION section which reads "In the inventive communication system, therefore, *in addition to* correcting the speech signal dependent on the hearing impairment of the hearing aid user (italic added)". (col. 1, lines 48-50). Since the paragraph which contains the language comes first in the SUMMARY OF THE INVENTION section, the term "in addition to" should mean that the technology of "correcting the speech signal, dependent on the hearing impairment of the hearing aid user" already existed and Rueda made his invention on the technology.

In sum, Applicant believes that the correction operation of Rueda on the signals in accordance with the hearing impairment of the hearing aid user is prior art and is performed by a digital signal processor to adjust acoustic signals to improve the speech intelligibility of the signals for a patient. Applicant believes that there is nothing in Rueda which discloses or teaches the limitation of claims 35 and 113 that "the speech recognition processor performs speech recognition in view of at least one of a physical state of the user and an operating condition of the prosthetic hearing device."

Takebayashi et al fails to disclose or teach the limitation of the claims. Therefore, the invention claimed in 35 and 113 is neither anticipated by nor would have been obvious in view of Rueda and Takebayashi, individually or in combination. Since claims 35 should be allowable, its dependent claims should also be allowable. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Respectfully submitted,

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